

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

David Houle and Becky Houle,)	
)	
Plaintiffs,)	ORDER (AMENDED)
)	
vs.)	
)	
Central Power Electric Cooperative,)	
Inc., a North Dakota Electric Corporation,)	
)	
)	Case No.4:09-cv-021
Defendant and)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
United States of America,)	
Third-Party Defendant.)	

On August 29, 2011, plaintiffs filed a motion to stay scheduling order “due to the subsequent change of scope of both questions of law and questions of fact created by Defendant Central Power’s Amended Answer and Counterclaims against Plaintiffs and the United States of America.” On August 29, 2011, the court held a status conference with the parties to discuss the posture of the case and plaintiffs’ pending motion. Pursuant to the parties discussions, plaintiffs’ motion is **GRANTED** in part. (Docket No. 132). The trial set for Monday, May 21, 2012, shall be rescheduled for February 4, 2013, at 9:30 a.m. in Minot before Judge Hovland. A five (5) day trial is anticipated. In addition, the final pretrial conference set for May 8, 2012, shall be rescheduled for January 22, 2013, at 1:30 p.m. by telephone before the undersigned. The court shall initiate the conference call. Finally, the scheduling and discovery order shall be amended as follows:

1. The parties shall have until May 1, 2012, to complete fact discovery and to file discovery motions.
2. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows:

a. Plaintiffs shall provide names of expert witnesses and complete reports by May 15, 2012.

b. Defendant/Third-Party Plaintiff shall provide names of expert witnesses and complete reports by July 1, 2012.

(Reports to be served on other parties, but not filed with the court.)

3. The parties shall have until August 15, 2012, to complete discovery depositions of expert witnesses.

4. The parties shall have until December 1, 2011, to move to join additional parties.

5. The parties shall have until February 1, 2012, to move to amend pleadings to add claims or defenses that do not involve the addition of new parties.

6. The parties shall have until September 1, 2012, to file other dispositive motions.
(summary judgment as to all or part of the case).

7. Each party shall serve no more than 25 interrogatories, including subparts. No broad contention interrogatories (i.e., "List all facts supporting your claim that . . .") shall be used. (Show good cause for more than the 25 interrogatories allowed by Rule 33).

8. Each side shall take no more than 10 discovery depositions. (Show good cause for more than the 10 depositions allowed by Rule 30.)

9. Depositions taken for presentation at trial shall be completed 60 days before trial.

IT IS SO ORDERED.

Dated this 15th day of September, 2011.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court